

REMARKS

Claims 1-3 are pending in this application. Claim 1 is rejected, and claims 2 and 3 are indicated to be allowable. None of the claims is currently amended. Reconsideration and further examination are requested.

Claim 1 is provisionally rejected on the grounds of non-statutory obviousness-type double patenting. A terminal disclaimer is submitted with this response to overcome the rejection.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shpak. Applicant respectfully traverses. Claim 1 distinguishes Shpak because the access points attenuate their transmit power, i.e., backoff, in response to the backoff amount signaled from other access points. Shpak teaches that an access point first adjusts transmit power based on negotiations with another access point<sup>1</sup>, and then either selects another time interval<sup>2</sup> or revises the partitioning scheme.<sup>3</sup> In particular, the access points send transmission power information such as nominal transmission power level. The present invention concerns power adjustment signaling between access points. However, sharing power backoff information is distinct from sharing nominal transmission power level. Until recently, access points were configured to operate at full power at all times. However, the proliferation of wireless networks has brought about problems related to interference. One way to mitigate interference is with power control. In particular, access points can adjust their transmission power based on proximity to supported stations and other access points. In such an environment, nominal transmission power is not a particularly useful metric because it does not indicate whether the sending device is transmitting at less than full power and, if so, by how much. In contrast, as stated in the specification, the TP

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<sup>1</sup> Column 9, lines 14-20

<sup>2</sup> Column 10, lines 1-5

Backoff value indicates how far from maximum power the sending access point's radio has been turned down.<sup>4</sup> This permits, among other things, the access points to quantify how the channel is being shared, and whether a channel is actually suitable for use, or just appears to be because a nearby device is temporarily backed off to a large degree. The Office is directed to the AP Power Adjustment section of the Specification beginning on page 13. For the reasons stated above, withdrawal of the rejection of claim 1 is requested.

Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

June 27, 2007  
Date

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Docket No. 160-048  
Dd: 7/9/2007

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<sup>3</sup> Column 10, lines 19-25

<sup>4</sup> Page 19, last sentence